

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BARBARA HUBBARD,

Plaintiff,

v.

WALGREEN CO., dba Walgreens # 06255; 1  
LAKE, LLC; 1 HUNTER, LLC,

Defendant.

Civil No. 08-cv-00072-JM (POR)

**ORDER RESCHEDULING EARLY  
NEUTRAL EVALUATION  
CONFERENCE**

On February 28, 2008, Defendants 1 Lake, LLC. and 1 Hunter, LLC., filed a request that the Court reschedule the Early Neutral Evaluation conference set for April 15, 2008 at 10:00 a.m. On March 4, 2008, counsel for all parties jointly contacted chambers to discuss this request. By consent of all parties, IT IS HEREBY ORDERED that the Early Neutral Evaluation conference set for April 15, 2008 shall be held on **April 11, 2008 at 9:00 a.m.**

Pursuant to Local Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, *all counsel, all parties, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear in person at the conference*, shall be prepared to discuss the claims and defenses, and shall be legally and factually prepared to discuss and resolve the case at the Early Neutral Evaluation Conference. The parties must be prepared to present demands and offers of settlement. Corporate counsel and/or retained outside corporate counsel **shall not** appear on behalf of a corporation as the party who has the authority to negotiate and enter into a settlement. Counsel for any non-English speaking parties is responsible for arranging for the appearance of an interpreter at the conference. *Failure of required counsel and*

1 *parties to appear in person will be cause for the imposition of sanctions.* All conference discussions  
2 will be informal, off the record, privileged, and confidential.

3 Based upon the Court's familiarity with these matters and in the interest of promoting the  
4 just, efficient, and economical disposition of this action, IT IS HEREBY ORDERED:

5 1. All formal discovery shall be stayed in this case until the completion of the Early  
6 Neutral Evaluation Conference scheduled herein.

7 2. Twenty-one days prior to the Early Neutral Evaluation Conference, Plaintiffs'  
8 counsel shall lodge an Early Neutral Evaluation Statement in the chambers of the Honorable Louisa  
9 S. Porter and serve a copy of the statement on counsel for all parties. The Statement shall not  
10 exceed two pages and shall include:

- 11 a. An itemized list of specific issues on the subject premises which are the basis  
12 of the claimed violations under the Americans with Disabilities Act;
- 13 b. A statement of the amount and category of damages claimed by Plaintiffs in  
14 this action;
- 15 c. The amount claimed for attorney's fees and costs; and,
- 16 d. Plaintiffs' demand for settlement of the case in its entirety.

17 3. After service of Plaintiffs' Statement and not later than 14 days prior to the Early  
18 Neutral Evaluation Conference, *lead counsel responsible for the case and any unrepresented*  
19 *parties, along with property managers of commercial locations, shall **meet and confer in person at***  
20 **the subject premises** regarding settlement of: 1) the alleged premise violations, and 2) damages,  
21 costs, and attorney fee claims. All counsel appearing in the case shall be responsible to make the  
22 arrangements for the on-site conference. **The meet and confer obligation cannot be satisfied by**  
23 **telephone or the exchange of letters.** No later than seven days prior to Early Neutral Evaluation  
24 Conference, counsel shall lodge a joint statement in the chambers of the Honorable Louisa S. Porter  
25 certifying that the required in-person conference between counsel has taken place, advising the  
26 Court of the status of settlement negotiations, setting forth all issues in dispute, including property  
27 issues, Plaintiffs' alleged damages, and the claim for attorney's fees and costs, along with a  
28 description of any settlement demands and/or offers exchanged.

